

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELPHALA SESSAY

Plaintiff,

vs.

PEOPLES COMMERCE, INC.

and

ADMIRAL RECOVERY SYSTEM, LLC
Defendants

CIVIL ACTION

NO. 17-cv-03219(TON)

**PLAINTIFF'S ANSWER WITH AFFIRMATIVE DEFENSES
TO DEFENDANT PEOPLES COMMERCE, INC.'S COUNTERCLAIM**

1. Admitted only that Plaintiff leased a vehicle from Defendant Peoples Commerce, Inc. The remainder of this averment is denied. The date is incorrect. Moreover, the averment states a conclusion of law to which no response is required.

2. Denied, as the document speaks for itself.

3. Denied as a conclusion of law to which no response is required.

4. Denied as a conclusion of law to which no response is required.

WHEREFORE, Plaintiff Kelphala Sessay demands judgment in his favor on Defendant, Peoples Commerce, Inc.'s Counterclaim and any other relief the Court deems just and proper.

AFFIRMATIVE DEFENSES TO COUNTERCLAIM

1. Peoples failed to act in a commercially reasonable manner.

2. Peoples has failed to follow the requirements of the Motor Vehicle Sales Finance Act and Pennsylvania Commercial Code.

3. Peoples failed to mitigate.

4. Peoples breached first.

5. The Court lacks jurisdiction over the Counterclaim.

Date: 09/07/17

/s/ Cary L. Flitter

CARY L. FLITTER

Attorney for Plaintiff

FLITTER MILZ, P.C.

450 N. Narberth Avenue, Suite 101

Narberth, PA 19072

(610) 822-0782

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELPHALA SESSAY

Plaintiff,

vs.

PEOPLES COMMERCE, INC.

and

ADMIRAL RECOVERY SYSTEM, LLC
Defendants

CIVIL ACTION

NO. 17-cv-03219(TON)

CERTIFICATE OF SERVICE

I, CARY L. FLITTER, do hereby certify that this Answer to Counterclaim with Affirmative Defenses was electronically filed via the ECF system. Electronic notice that the document is available for viewing and downloading from the ECF system was sent to the following counsel:

Stephanie M. Pompey, Esquire
General Counsel Drivehere.com
1001 W. Ridge Pike
Conshohocken, PA 19428
Attorney for Defendant Peoples Commerce, Inc.

Date: 09/07/17

/s/ Cary L. Flitter

CARY L. FLITTER